

After considerable discussion, Councilman Bartholomew moved that, at the request of Mr. Carpenter that he be allowed to submit his proposal in writing, the matter be deferred until Tuesday, November 28th, at 3:00 p. m., and that the City Attorney be notified to be present at that time. The motion was seconded by Councilman Alford and carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf, 5; nays, none.

Upon motion duly made and seconded, the Council then recessed, subject to call of the Mayor.

Attest

Halle McFellar City Clerk

Approved:

Tom Miller
Mayor.

SPECIAL MEETING OF THE CITY COUNCIL:

Austin, Texas, November 28, 1933.

The meeting was convened at 3:00 p. m., with all members present, for the purpose of receiving the written amended proposal of the Austin Dam, Inc.

The following communication was then read:

*Austin, Texas, November 28, 1933.

To the Mayor and City Council
of the City of Austin.

Austin, Texas.

Gentlemen:

The City Council has informed us that the proposal contained in the letter of Austin Dam, Inc., to the City Council, dated October 20, 1933, is unacceptable to the Council. This advice we received through a letter from the City Manager, dated October 25, 1933, addressed to Mr. Grenier, President of Austin Dam, Inc.

Subsequent to the latter date, we have discussed the matter informally with the Council and we now send you this communication in response to your suggestion that our present proposal, in lieu of the one which you have rejected, be put in written form, in order that the Council may have something definite to consider.

It will be useless for us to expend any additional money or any further effort if it is the intention of the Council to exercise immediately the forfeiture provisions as set forth in the Ordinance of February 4, 1932, on account of our failure to begin the work of rehabilitation of the dam on or before November 28, 1933.

We can immediately begin the work of clearing the debris above the dam - work which we are not required to perform under the present contract - and we are willing to begin that work immediately and either surrender possession or to prosecute it in a way that will meet with the approval of the Council, provided we are given the assurance that so long as we are continuing to perform services of value to the City, in a way that shall meet the approval of the Council, the Council will not exercise its forfeiture provision without giving us ninety days notice in which to begin the work of actual rehabilitation of the dam.

In short, the proposal which we now have to make to the Council is that we be given an opportunity to begin, not at some indefinite date in the future, but immediately - next week - to spend some money in clearing the debris above the dam. We are asking that we be given an opportunity to show by our works that the City has something to gain by having our occupancy continued. If at any stage before we begin the actual work of rehabilitation of the dam the Council is of the opinion that our continued presence at the dam is an obstruction to the City in any way or for any reason, and that we are not performing service of sufficient value to justify our further occupancy, then the City by merely giving us ninety days notice will be in a position to eliminate us completely unless within the ninety days after receiving the notice we actually begin the work of rehabilitation of the dam structure, as contemplated by said Ordinance.